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| APPLICATION·NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/647,302 | 09/27/2000 | Fumihiko Nishio | 450106-02304 | 5281 |

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| EXAMINER |
|---|
| SALCE, JASON P |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2611 | 4 |

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)☒ Responsive to communication(s) filed on _27 May 2000_.

2a)☐ This action is **FINAL.**    2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)☒ Claim(s) _1-5_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-5_ is/are rejected.

7)☒ Claim(s) _3 and 4_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

## Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _27 September 2000_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _3_.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

### *Information Disclosure Statement*

1.      The information disclosure statement (IDS) submitted 9/27/2000 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

### *Specification*

2.      The disclosure is objected to because of the following informalities: On page 7, Line 6, the numerals 1031 and 1032 should read $103_1$ and $103_2$.

Appropriate correction is required.

### *Claim Objections*

3.      Claim 3 is objected to because of the following informalities: The limitation "said <u>second</u> transmission information converting means" should read "said transmission information converting means".

Claim 4 is objected to because of the following informalities: The limitation "said <u>second</u> transmission information converting means" should read "said transmission information converting means".

The examiner notes that both claims can only refer back to the transmission information converting means, because there is no second transmission information converting means specified in claim 1.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.      Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being clearly

anticipated by Thomas et al. (U.S. Patent No. 5,666,645).

Referring to claim 1, Thomas discloses a meta information storing means

(content data storage 92 in Figure 1) for storing meta information that is a

description of the content to be transmitted (see Column 5, Lines 27-29 for a

description of the content data being "data that refers to information inherent to

the programs themselves").

Thomas also discloses meta-information schema storing means (see

context data storage 94 in Figure 1) for storing a data structure of the meta-

information (see Column 5, Lines 29-35 for context data containing data that

defines the programs themselves by "when a program will be aired and on which

channel" and "includes channel maps, PPV pricing and schedule information").

The examiner notes that a channel map (or a schedule of when a program airs)

is a definition of the content data and therefore represents a data structure (map

or schedule), which represents the meta-information schema.

Thomas also discloses transmission information converting means (see

feed composition 730 in Figure 7) for converting the meta-information stored in

said meta-information storing means (see content data storage 92 in Figure 1)

and the meta-information schema stored in said meta-information schema storing

means (see context data storage 94 in Figure 1) into information in a

transmission format (see Column 11, Lines 12-15 and Lines 22-23 for converting

the data into the MPEG-2 transmission format). Also note Figure 7 and Column

11, Lines 47-62, which takes data from the content data storage 92 and the

context data storage 94 (along with other types of schema information (elements

96 and 610)) and uses such data to produce the MPEG-2 stream discussed

above, therefore, both the content data (meta-information) and the context data

(meta-information schema) are both used for converting such data into a proper

transmission format.

Thomas also discloses transmitting means (see data transport 740 in

Figure 7) for transmitting an output of said transmission information converting

means (see Column 11, Lines 60-62 for transporting the data to the target

platforms (user's set top boxes)).

Referring to claim 2, Thomas discloses that the transmission information

converting means further converts the meta-information and the meta-information

schema into information in the same data format (see again Column 11, Lines

22-23 for converting the data into the MPEG-2 transmission format, and is

therefore the same data format).

Referring to claim 3, Thomas discloses that the transmission converting

means performs a converting process for converting the meta-information and

the meta-information schema into information in the same format (see the

rejection of claim 2 for converting the two types of data into the same format

(MPEG-2)) and adds an identifier that represents whether the data as the result

of the converting process is the meta-information or the meta-information

schema (see Column 11, Lines 23-44 for two types of PID values that represent

either the meta-information (EPG data, see Column 11, Lines 24-26) or meta-

information schema (see first PID used to identify broadcast program schedule

data, which according to Column 5, Lines 29-35 is program schedule data)).

Therefore the MPEG-2 format contains identifications for both meta-information

(content data in storage 92 in Figure 1) and meta-information schema (context

data in storage 94 in Figure 1).

Referring to claim 4, Thomas discloses that the transmission information

converting means converts the meta-information and the meta-information

schema storing means into information in an MPEG-2 section table format (see

Column 11, Lines 22-23 for converting the data into an MPEG-2 format and

Column 11, Lines 23-44 for breaking up the stream into multiple packets

identified by PIDs, which identifies channel descriptions and broadcast program

schedule data (e.g. Column 11, Lines 33-36)). The examiner notes that the

MPEG-2 format inherently contains tables that define specific sections of

programs in tables such as the PAT or PMT (see page 47 of the Acronyms and

Glossary (Digital Compressed Video, Communications and Storage reference),

which has been cited and provided by the examiner. The PAT is defined as, "A

table defined in MPEG systems transport stream that assigns program numbers

(channels) and program map table identifiers" and the PMT is defined as, "A

table in MPEG systems transport stream that specifies packet identification

values for the program components". Therefore, both tables provide a <u>MPEG-2 section table format</u>.

Referring to claim 5, see the rejection of claim 1.

### *Conclusion*

5.      The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Noble et al. (U.S. Patent No. 5,634,053) discloses a database system that uses metadata and schema data in order to provide a unified database system used for search queries.

Wasilewski (U.S. Patent No. 5,600,378) is another system used for processing table data in order to define an electronic program guide, similar to Thomas.

Davis et al. (U.S. Patent No. 5,559,548) is another system similar to Thomas for receiving EPG data and determine (from channel map data) a program schedule to transmit to the client.
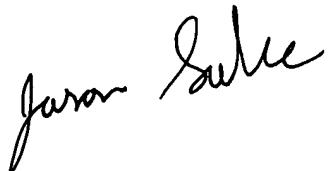
6.      Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P Salce whose telephone number is (703) 305-1824. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

for published applications may be obtained from either Private PAIR or Public

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direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free).


August 11, 2004